





Appendix 4
A. Investigation Administrative Materials

Exhibit Type	Exhibit Name	Exhibit File
A. Investigation		
A-1	IO Appointment Memo 10 APR 14	 IO Appointment Memo 10 APR 14
A-2	AIO Appointment Memo 16 APR 14	 AIO Appointment Memo 14 APR 14
A-3	AIO Appointment Memo (b) (6) 21 APR 14	 AIO Appointment Memo (b) (6)
A-4	2014 FHTX AR 15-6 Synchronization and Integration Crosswalk 25 APR 14	 Synchronization and Integration Crosswall



SECRETARY OF THE ARMY
WASHINGTON

10 APR 2014

MEMORANDUM FOR LTG Joseph E. Martz

SUBJECT: Appointment as Investigating Officer

1. References.

- a. Report of the DoD Independent Review, Protecting the Force: Lessons from Fort Hood, January 2010.
- b. Fort Hood Army Internal Review Team Report, Protecting our Army Community at Home & Abroad, August 4, 2010.
- c. Secretary of Defense Memorandum, subject: Final Recommendations of Fort Hood Follow-on Review, August 18, 2010.

2. Appointment. You are hereby appointed as an Investigating Officer (IO) pursuant to Army Regulation (AR) 15-6, *Procedure for Investigating Officers and Boards of Officers* (2 October 2006), to conduct an informal investigation into the matters set forth in paragraph 3 below. Your responsibilities as an IO take precedence over all other duties.

3. Scope of Investigation.

a. You are directed to investigate and document the facts and circumstances pertinent to the shooting incident at Fort Hood, Texas, on 2 April 2014. You will identify any systemic deficiencies or particular noncompliance with applicable laws, regulations, programs, policies, processes or procedures that may have affected the incident. You will also make recommendations as to corrective action that should be undertaken and document any innovative programs or "best" practices you identify during your investigation.

b. Guided by the above, your report of investigation should specifically address the following:

(1) **Implementation of Prior Recommendations.** Assess whether the approved recommendations from references 1.a-c, above, were implemented as directed, and the adequacy of the implementation efforts at Fort Hood, Texas. If any of these recommendations were not implemented, in whole or in part, determine why the Army did not implement them, and assess whether such action or inaction materially affected the shooting incident at Fort Hood, Texas, on 2 April 2014, or the response to it.

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(2) Relevant Chronologies.

(a) Provide a chronology of the military service of Specialist (SPC) Ivan Lopez, including, but not limited to, his accession into the Reserve Component and his transition to the Active Army; his record of duty performance, behavior and conduct; and any medical/behavioral health treatment provided to him.

(b) Provide a chronology of relevant events, involving or related to SPC Lopez, preceding the shooting incident at Fort Hood, Texas, on 2 April 2014. As appropriate, include documentation of SPC Lopez's personal and professional interactions with other individuals on and before 2 April 2014.

(c) Provide a chronology of relevant events related to SPC Lopez's reassignment from Fort Bliss to Fort Hood.

(3) Identifying Potential Insider Threats.

(a) Identify current Army programs, policies, processes and procedures for identifying personnel (*e.g.*, Soldiers, civilian employees, and others) affiliated with the Army, who have access to Army installations and may pose a threat to themselves or others, and for eliminating or mitigating such threats, as appropriate.

(b) Assess whether current Army programs, policies, processes and procedures identified, or reasonably should have identified, SPC Lopez as an individual who may pose a threat to himself or others.

(c) To the extent that deficiencies or gaps in the law or current Department of Defense or Army programs, policies, processes and procedures exist, either systemically or as applied particularly to SPC Lopez, identify such deficiencies or gaps and make specific recommendations for corrective action.

(4) Medical Treatment Provided to SPC Lopez. Determine whether the care and treatment (including behavioral health care) provided to SPC Lopez was appropriate under the circumstances.

(a) This determination will be made by properly qualified subject matter experts assigned to assist you pursuant to paragraph 5a(5), below.

(b) The subject matter experts shall conduct an independent review of the records of the medical and behavioral health care and treatment provided to SPC Lopez. In so doing, the subject matter experts shall conform their efforts to the review

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processes outlined in AR 40-68, *Clinical Quality Management* (26 February 2004, RAR 22 May 2009), and operate according to the generally accepted norms and practices of the medical community. This review is not intended to replace or interfere with any quality assurance reviews conduct pursuant to AR 40-68.

(c) The subject matter experts may review any quality assurance reviews conducted pursuant to AR 40-68; however, they will not incorporate quality assurance records into their own findings or recommendations.

(5) Enlistment.

(a) Assess whether SPC Lopez's initial enlistment into the Army National Guard (ARNG), as well as his subsequent enlistment into the Regular Army, complied with applicable Army programs, policies, processes and procedures, including, but not limited to, AR 601-210, *Active and Reserve Components Enlistment Program*.

(b) Assess the sufficiency of Army programs, policies, processes, procedures and systems for sharing relevant information regarding Soldiers who are transferring between Components/Services, or who have prior service in another Component/ Service.

(c) To the extent you identify failures, deficiencies or barriers, either systemically or as applied particularly to SPC Lopez, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

(6) Reclassification. Determine whether SPC Lopez's reclassification was voluntary or mandatory; assess whether his reclassification complied with current Army programs, policies, processes and procedures, including, but not limited to, AR 614-200, *Enlisted Assignments and Utilizations Management* (26 February 2009, RAR 11 October 2011); assess whether the timing and/or circumstances surrounding his reclassification may have exacerbated any medical condition or interfered with his medical treatment; and assess whether the reclassification procedures hampered the sharing of information between commands as SPC Lopez transitioned between units. To the extent you identify failures or deficiencies, either systemically or as applied particularly to SPC Lopez, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

(7) Reassignment.

(a) Assess whether SPC Lopez's reassignment from Fort Bliss to Fort Hood, complied with current Army programs, policies, processes and procedures, including, but not limited to: AR 600-8-8, *The Total Army Sponsorship Program* (4 April 2006);

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AR 600-8-11, *Reassignment* (1 May 2007, RAR 18 October 2012); AR 600-8-101, *Processing Personnel (In-, Out-, Soldier Readiness, Mobilization and Deployment Processing)*(18 July 2003); and DA Pam 600-8-101, *Processing Personnel (In-, Out-, Soldier Readiness, Mobilization and Deployment Processing)*(28 May 2003).

(b) Assess the sufficiency of Army programs, policies, processes, procedures and systems for sharing relevant information regarding Soldiers who are being reassigned from one duty station to another and the sufficiency of reception programs when transferring between duty locations or units.

(c) To the extent you identify failures, deficiencies or barriers, either systemically or as applied particularly to SPC Lopez, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

(8) Physical Security at Fort Hood, Texas. Assess the sufficiency of systems for the safety and security of the Fort Hood installation and its personnel, including, but not limited to, policies regarding privately owned weapons. Determine whether these systems were subject to adequate oversight and enforcement, both generally and with respect to the shooting incident at Fort Hood, Texas, on 2 April 2014, and the actions of SPC Lopez. To the extent you identify failures or deficiencies, either systemically or as applied particularly to SPC Lopez, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

(9) Emergency Response. Assess the sufficiency and effectiveness of the emergency response to the shooting incident at Fort Hood, including, but not limited to, the sufficiency of active shooter response, mass casualty plans and the execution of those plans; the effectiveness of command and control during the incident; the propriety and effectiveness of the dissemination of information regarding the incident in its immediate aftermath, and in the days that followed; and the effectiveness of coordination with local, state and other federal agencies. To the extent you identify failures or deficiencies, either systemically or as applied particularly to SPC Lopez, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

(10) Care for Victims, Families and Other Personnel. Examine and evaluate the adequacy of support and care, to include counseling and other mental health services provided to Victims, Families, first responders and other Fort Hood personnel. To the extent any aspect of care is determined to be deficient, or gaps in care are found to exist, make specific recommendations for corrective action. In addition, document any innovative programs or "best" practices you identify during your investigation.

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(11) **Individual Accountability.** Assess whether any individuals should be held accountable for any failures or deficiencies with respect to SPC Lopez or the shooting incident at Fort Hood, Texas, on 2 April 2014, and make specific recommendations for appropriate action.

4. **Legal Advisor.** Before you begin your investigation, consult with (b) (6) (b) (6) will serve as your legal advisor throughout this investigation. You may contact him at (b) (6)

5. **Subject Matter Experts, Assistant Investigating Officers and Support Personnel.**

a. **Subject Matter Experts.** Subject matter experts provided pursuant to this subparagraph will assist the IO throughout the investigation. Responsibilities as a subject matter expert take precedence over all other duties.

(1) The Chief, National Guard Bureau will provide a subject matter expert to assist you in obtaining and assessing records pertaining to SPC Lopez's service in the National Guard, including, but not limited to, records pertaining to his duty performance, behavior and conduct.

(2) The Deputy Chief of Staff, G-1 will provide a subject matter expert to assist you in assessing relevant military personnel programs, policies, processes and procedures, including, but not limited to, those pertaining to the accession, reclassification and reassignment of Soldiers, including those undergoing behavioral health treatment.

(3) The Deputy Chief of Staff, G-2 will provide a subject matter expert to assist you in assessing relevant personnel security programs, policies, processes and procedures, including, but not limited to, those pertaining to the identification of personnel with access to Army installations who may pose a threat to themselves or others.

(4) The Deputy Chief of Staff, G-3/5/7, the Provost Marshal General and the Assistant Chief of Staff for Installation Management/Installation Management Command will provide subject matter experts, as needed, to assist you in addressing matters related to physical security and force protection, as well as law enforcement and security preparations for, reporting of and response to an active shooter or mass casualty event.

(5) The Surgeon General will provide subject matter experts, at least one of whom will be a qualified behavioral health care provider, to assist you in addressing matters related to the medical and behavioral health care provided to SPC Lopez, as well as matters related to the medical response to the mass casualty event at Fort Hood, Texas, on 2 April 2014.

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b. Assistant Investigating Officers (AIOs). You may detail AIOs to assist you in the conduct of your investigation. AIOs will have the authority to administer oaths pursuant to Title 5, U.S. Code, Section 303, and Article 136(b)(4) of the Uniform Code of Military Justice (UCMJ). Service as an AIO will take precedence over all other duties.

c. Support Personnel.

(1) The Commander, U.S. Army Criminal Investigation Command (USACIDC), will designate a CID agent to act as a liaison with law enforcement personnel conducting the criminal investigation of this matter, and to advise and assist you, as needed, in the conduct of your investigation.

(2) The Judge Advocate General will provide a Paralegal Specialist, upon request, to assist you in the conduct of your investigation.

(3) Advise me immediately, through the Director of the Army Staff, if you require the assistance of other subject matter experts or consultants or additional administrative, analytic or investigative capacity.

6. Conduct of the Investigation.

a. Criminal Investigation. The criminal investigation of this matter takes primacy. Coordinate with the Commander, USACIDC, to ensure your investigation does not adversely affect, influence or interfere with the ongoing criminal investigation.

SUBJECT: Appointment as Investigating Officer

b. Evidence Collection.

(1) You are to conduct this investigation using the general guidance and procedures applicable to informal investigations provided in AR 15-6, Chapters 3 and 4. No individual has been named a respondent at this time.

(2) Secure and review all evidence or information and interview all witnesses you deem relevant and necessary to the conduct of your investigation.

(3) All Army commands, organizations and personnel will cooperate fully with you in the course of your investigation, and shall respond promptly to your requests for information, documents, access to personnel and other support.

(4) To the extent possible, witness statements will be written and sworn. You should record witness statements on a DA Form 2823, *Sworn Statement*. If it is impracticable to obtain a written and/or sworn statement from a particular witness, you will attest to the accuracy of any transcription or summary of such witness testimony in whatever form it appears within your report of investigation. You are authorized to administer oaths pursuant to Title 5, U.S. Code, Section 303, and Article 136(b)(4) of the UCMJ.

(a) In accordance with AR 340-21, *The Army Privacy Program* (5 July 1985), you must provide a Privacy Act statement to a witness, if you do not use a DA Form 2823 to record the witness' statement and your report will be filed in a system of records from which it can be retrieved by reference to the witness' name or other personal identifier.

(b) No U.S. military or civilian witness can be ordered to provide information that may incriminate him or herself. You may order a military or Federal Government civilian employee witness to provide a statement if they have relevant information that would not incriminate themselves.

(c) If, in the course of your investigation you come to suspect a person may have engaged in criminal conduct, you will consult with your legal advisor and inform me. Under no circumstances should you attempt to elicit any information from a suspect without first advising that person of his/her rights under Article 31, UCMJ, or the Fifth Amendment of the U.S. Constitution, as appropriate. Document your rights advisement and witness waivers of their Article 31 or Fifth Amendment rights on a DA Form 3881, *Rights Warning Procedure/Waiver Certificate*.

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(5) Where a civilian employee is a member of a bargaining unit and reasonably believes that the inquiry could lead to disciplinary action against him or her, the employee may have a representative from the bargaining unit present during questioning. You will consult your legal advisor if you have any questions regarding these procedures.

(6) If you find it necessary and/or appropriate to interview a witness who is not a federal employee, and the witness declines to provide you a statement, contact your legal advisor for assistance.

c. **Flags.** Should you determine in the context of your investigation that a Soldier's status has changed from favorable to unfavorable, as defined in AR 600-8-2, *Suspension of Favorable Personnel Actions* (23 October 2012), you must take action to ensure that a flag is initiated against that Soldier immediately.

d. **Senior Officials.** Should you determine in the context of your investigation that an Army senior official (e.g., a promotable colonel, general officer or member of the senior executive service) may have engaged in an impropriety or misconduct, you will report the matter to The Inspector General pursuant to AR 20-1, *Inspector General Activities and Procedures* (29 November 2010, RAR 3 July 2012), paragraph 1-4b(5).

e. **Scope of the Investigation.** If, at any time in the conduct of your investigation, something happens that could cause me to consider enlarging, restricting, or terminating your investigation, or otherwise modifying any instruction in this memorandum of appointment, immediately report this situation to me, through the Office of The Judge Advocate General and the Office of the General Counsel, along with your recommendations as to the action I should take in response.

7. Report of Investigation. Your investigation is intended to provide the information necessary to address, as comprehensively as possible, the areas of concern set forth above. Your investigation will ascertain and fully develop the facts relevant to these areas of concern. You will document your specific findings of fact with regard to all relevant issues you identify. You will make specific recommendations regarding the appropriate disposition, if any, of each of your findings.

a. **General.** Your report of investigation will be written.

(1) The following format will be used in lieu of using a DA Form 1574-1, *Report of Proceedings by Investigating Officer*. Background, Discussion, Findings and Recommendations. Attach all required enclosures and exhibits.

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(2) Your written report will be unclassified, but may include appendices to segregate classified or privileged information, if necessary.

(3) Your report may identify issues for follow-on study or examination.

b. Assembly. Your completed AR 15-6 investigation will include:

(1) This memorandum of appointment.

(2) A narrative report in the format of Background, Discussion, Findings and Recommendations.

(a) **Findings.** You will reach your findings by a preponderance of the evidence that you gather. A finding is a clear and concise statement of facts that can be readily deduced from evidence in the record. In your report, develop specific findings and cite the specific tab and/or page number of the exhibit that supports each finding. If testimony or evidence conflicts (*e.g.*, conflicting witness statements), identify this conflict in your report and state what testimony or evidence is more credible and why.

(b) **Recommendations.** Based on your findings, make recommendations as to what changes, if any, are needed in terms of policy, procedures, resources, and leadership to avoid incidents of this nature in the future, as well as recommendations consistent with your findings concerning other items your investigation revealed. Each recommendation should cite the finding that supports it and comport with the guidance in AR 15-6.

(3) A detailed chronology of the daily actions you took during the investigation.

(4) An index of all attached exhibits.

(5) All exhibits, labeled and numbered.

(6) A list of the witnesses you interviewed.

(7) If applicable, proper classification markings for each paragraph, page, and exhibit included within your report of investigation.

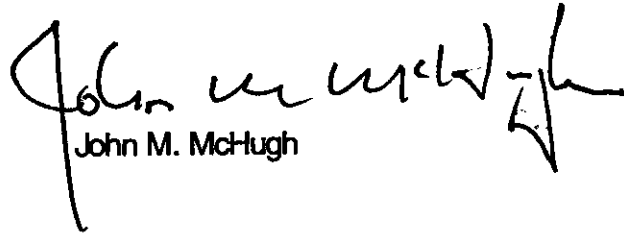
c. Submission. Submit the original and two copies of your report to me, through the Office of The Judge Advocate General and the Office of the General Counsel, within 60 calendar days of the date of this memorandum. Any extensions of time to complete your investigation must be requested from and approved by me, in writing.

8. Communications.

SUBJECT: Appointment as Investigating Officer

a. Provide me with In-Progress Reviews at appropriate intervals during the course of your investigation.

b. Advise me immediately as to any matters that require my immediate attention, including, but not limited to, information of potential import or relevance to other ongoing investigations, as well as findings or recommendations that may be appropriate for referral to another Service or the Department of Defense.



John M. McHugh

CF:

Chief, National Guard Bureau

Assistant Secretary of the Army for Manpower and Reserve Affairs

Assistant Secretary of the Army for Installations, Energy and Environment

Assistant Chief of Staff for Installation Management

Deputy Chief of Staff, G-1

Deputy Chief of Staff, G-2

Deputy Chief of Staff, G-3/5/7

The Surgeon General

The Judge Advocate General

Provost Marshal General

Cdr, FORSCOM



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FINANCIAL MANAGEMENT AND COMPTROLLER
 109 ARMY PENTAGON
 WASHINGTON, DC 20310-0109

SAFM-ZA

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Assistant Investigating Officers

1. The Secretary of the Army appointed me as an Investigating Officer pursuant to Army Regulation 15-6 to conduct an informal investigation into the shooting incident at Fort Hood, Texas, on 2 April 2014.

2. In accordance with the enclosed appointment memorandum, I designate the following as Assistant Investigating Officers (AIO) and delegate to them the authority necessary to perform tasks in support of the investigation. These tasks include, but are not limited to, gathering evidence from entities and individuals, and administering oaths pursuant to Title 5, U.S. Code, Section 303, and Article 136(b)(4) of the UCMJ. I further authorize the AIOs to conduct official travel and to access government information sources (e.g., HQDA email and Sharepoint) as necessary to support the investigation.

- a. (b) (6) [Redacted] n Team Chief of Staff)
- b. [Redacted]
- c. [Redacted]
- d. [Redacted]
- e. [Redacted]
- f. [Redacted]
- g. [Redacted]
- h. [Redacted]
- i. [Redacted]
- j. [Redacted]
- k. [Redacted]
- l. [Redacted]
- m. [Redacted]
- n. [Redacted]

2. Point of contact for this memorandum is (b) (6) [Redacted]

Encl

Joseph E. Martz 110416
 JOSEPH E. MARTZ
 Lieutenant General, U.S. Army
 Military Deputy for Budget



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FINANCIAL MANAGEMENT AND COMPTROLLER
109 ARMY PENTAGON
WASHINGTON, DC 20310-0109

SAFM-ZA

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Additional Assistant Investigating Officers

1. The Secretary of the Army appointed me as an Investigating Officer pursuant to Army Regulation 15-6 to conduct an informal investigation into the shooting incident at Fort Hood, Texas, on 2 April 2014.

2. In addition to the individuals previously designated in a memorandum signed 16 April 2014, and in accordance with the enclosed appointment memorandum, I designate the following as Assistant Investigating Officers (AIO) and delegate to them the authority necessary to perform tasks in support of the investigation. These tasks include, but are not limited to, gathering evidence from entities and individuals, and administering oaths pursuant to Title 5, U.S. Code, Section 303, and Article 136(b)(4) of the UCMJ. I further authorize the AIOs to conduct official travel and to access government information sources (e.g., HQDA email and Sharepoint) as necessary to support the investigation.

(b) (6)

2. Point of contact for this memorandum is (b) (6)

Encl

Joseph E. Martz 140421
JOSEPH E. MARTZ
Lieutenant General, U.S. Army
Military Deputy for Budget

2014 Fort Hood (FHTX) AR 15-6 'Synchronization and Integration Crosswalk'

